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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA

- v. -

FERNANDO SERRANO,

Defendant.
----- x

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
: MONEY JUDGMENT

: S1 16 Cr. 542 (KMW)

WHEREAS, on or about May 30, 2017, FERNANDO SERRANO (the “Defendant”), was charged in a six-count Superseding Information, S1 16 Cr. 542 (KMW) (the “Information”), with participating in a conspiracy to violate the Anti-Kickback Statute, in violation of Title 18, United States Code, Section 371 (Count One); violating the Anti-Kickback Statute, in violation of Title 42, United States Code, Section 1320a-7b(b)(2)(B), and Title 18, United States Code, Section 2 (Count Two); violation of the Health Information Portability and Accountability Act, in violation of Title 42, United States Code, Section 1320d-6(a)(2) and (b)(1) (Count Three); conspiracy to commit Honest Services wire fraud, in violation of Title 18, United States Code, Section 1349 (Count Four); aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028(c)(5), and 2 (Count Five); and health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Six);

WHEREAS, the Information included a forfeiture allegation as to Counts One, Two, and Six of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property, real and personal, that constitutes or is derived, directly and indirectly, from gross proceeds traceable to the commission of the offenses charged in Counts One, Two, and Six of the Information, including but not limited to a

sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One, Two, and Six of the Information;

WHEREAS, on or about May 30, 2017, the Defendant pled guilty to Counts One, Two, and Six of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts One, Two, and Six of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any and all property, real and personal, which constitutes or is derived from, proceeds traceable to the commission of the offenses charged in Counts One, Two, and Six of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$522,462 in United States currency representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Noah Solowiejczyk of counsel, and the Defendant, and his counsel, J. Roberto Cardenas, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$522,462 in

United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offenses charged in Counts One and Two of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, FERNANDO SERRANO, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007 and shall indicate the Defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

Noah Solowiejczyk
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2473

12/8/21
DATE

FERNANDO SERRANO

By: 

FERNANDO SERRANO

12/8/21
DATE

By: 

J. Roberto Cardenas, Esq.
Attorney for Defendant
119 West 57th Street
Suite 1215
New York, NY 10019

12/8/21
DATE

SO ORDERED:

Kimba M. Wood
HONORABLE KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE

Dec 8, 2021
DATE